

ORAL ARGUMENT NOT YET SCHEDULED

IN THE UNITED STATES COURT OF APPEALS FOR
THE DISTRICT OF COLUMBIA CIRCUIT

<p>CENTER FOR BIOLOGICAL DIVERSITY and CENTER FOR FOOD SAFETY,</p> <p style="text-align: center;">Petitioners,</p> <p style="text-align: center;">v.</p> <p>UNITED STATES ENVIRONMENTAL PROTECTION AGENCY,</p> <p style="text-align: center;">Respondent.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>No. 23-1329</p> <p>UNOPPOSED VOLUNTARY MOTION TO DISMISS</p>
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UNOPPOSED VOLUNTARY MOTION TO DISMISS

Petitioners the Center for Biological Diversity and Center for Food Safety
Petition hereby submit the following Unopposed Voluntary Motion to Dismiss this
Petition pursuant to Federal Rule of Appellate Procedure 42(b). Through counsel
Respondent EPA and movant intervenors FMC Corporation, Syngenta Crop
Protection LLC, and Corteva Inc. have stated that they do not oppose this motion.

Petitioners inform the Court as follows:

1. On December 27, 2023, this Court granted Petitioners unopposed
motion to hold this case in abeyance and ordered the Parties to “file motions to

govern future proceedings within 14 days of this Court's decision in No. 21-1270, In re Center for Biological Diversity, as to whether EPA has complied with the court's order filed in that case on November 22, 2022." Order, Doc. 2033483.

2. On January 17, 2025, the Petitioners and Respondent EPA executed a settlement agreement that, *inter alia*, required EPA to implement any final Biological Opinion for cyantraniliprole within 12 months from the date of issuance of a final Biological Opinion or by the deadline in a final Biological Opinion set for its implementation, whichever is earlier, subject to certain contingencies; required Petitioners to file a motion for voluntary dismissal without prejudice of *In re Center for Biological Diversity*, Case No. 21-1270, and this case; and allowed time to effectuate resolution of issues involving attorneys' fees and costs. *In re Center for Biological Diversity*, No. 21-1270, Joint Motion to Hold Case in Abeyance, Doc. 2096380.

3. Pursuant to settlement and Federal Rule of Appellate Procedure 42(b), Petitioners are filing this unopposed voluntary dismissal of Case No. 23-1329, *Center for Biological Diversity and Center for Food Safety v. Environmental Protection Agency*, with each side to bear its own costs.

WHEREBY, Petitioners move, and respectfully request that, the Court dismiss the Petition pursuant to Federal Rule of Appellate Procedure 42(b), with each side to bear its own costs.

DATED: April 25, 2025

By: /s/ Jonathan Evans

Jonathan Evans (DC Cir Bar #53186))

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Counsel for Petitioners

CERTIFICATE OF COMPLIANCE

I certify that the forgoing motion was printed in a proportionally spaced font of 14 points and that, according to the word-count program in Microsoft Word, it contains 312 words in compliance with Federal Rule of Appellate Procedure 27 and Circuit Rule 27.